connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff by May 30, 1973. Copies of comments received may be examined in the Commission's public document room at 1717 H Street NW., Washington, D.C.

1. In § 50.55a of 10 CFR part 50, § 50.55a(b) is amended to read as follows:

§ 50.55a Codes and standards.

* * * * *

(b) As used in this section, references to editions of "Criteria, Codes and Standards" include only those editions through 1971; references to addenda include only those addenda through the winter 1972 addenda.

* * * * *

2. In § 115.43a of 10 CFR part 115, § 115.43a(b) is amended to read as follows:

§ 115.43a Codes and standards.

* * * * *

(b) As used in this section, references to editions of "Criteria, Codes and Standards" include only those editions through 1971; references to addenda include only those addenda through the winter 1972 addenda.

(Secs. 103, 104, 1611, 182, 68 Stat. 936, 937, 948, 954 as amended; 42 U.S.C. 2133, 2134, 2201(i), 2232.)

Dated at Germantown, Md., this 23d day of April 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-8319 Filed 4-27-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 133]

SECONDARY TREATMENT INFORMATION

Notice of Proposed Rulemaking

Section 304(d)(1) of the Federal Water Pollution Control Act Amendments of 1972 (the Act) requires the publication of information, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, on the degree of effluent reduction attainable through the application of secondary treatment. Section 301(b)(1)(B) of the Act requires that effluent limitations, based on secondary treatment, be achieved for all publicly owned treatment works in existence on July 1, 1977, or approved for a construction grant prior to June 30, 1974 (for which construction must be completed within 4 years of approval). Grants for treatment works construction projects made from fiscal year 1975 or later funds will require that each project include the application of the best practicable waste treatment technology. The following regulations are proposed pursuant to these sections of the Act.

The level of effluent quality attainable by secondary treatment is expressed in terms of biochemical oxygen demand, suspended solids, fecal coliform bacteria, and pH. Because there is a great variety of secondary treatment processes, and a variety of conditions under which these processes operate, it is not possible to define a single attainable level of effluent quality with respect to biochemical oxygen demand and suspended solids by secondary treatment at all publicly owned treatment works. Accordingly, with respect to these pollutants, the level of effluent quality attainable by a publicly owned treatment works through the application of secondary treatment has been defined in the proposed regulation in terms of a minimum level.

The secondary treatment processes at some publicly owned treatment works may have been designed to attain a higher level of effluent quality than the levels herein specified. In such cases, the level of effluent quality which will be required with respect to biochemical oxygen demand and suspended solids, will be set during permit issuance proceedings pursuant to section 402 of the Act. For existing treatment works, it is anticipated that any level required in the permit higher than the levels specified in this regulation, will be based on an evaluation of performance data. For new treatment works, such levels of effluent quality higher than the levels set forth herein will be based on an evaluation of performance data from existing treatment works of similar design and operating under similar conditions. If such data are not available, such levels will be based on a conservative engineering analysis of its performance capabilities. In all such cases specific effluent limitations setting a level of effluent quality higher than the levels specified herein will be for the purpose of ensuring proper operation and maintenance of the publicly owned treatment works. Permits so written will not provide a basis for requiring construction of additional facilities or material changes in the application of technology.

It should be noted that it is intended that permits will be issued to publicly owned treatment works which may impose effluent limitations applicable to pollutants other than biochemical oxygen demand, suspended solids, pH, and fecal coliform. Such limitations will reflect and take into consideration pretreatment requirements that may be imposed upon specific discharges pursuant to section 307, and such pretreatment requirements will take into account levels of reductions which will be attainable by a given municipal treatment plant by secondary treatment.

For publicly owned treatment works treating a substantial portion of extremely high strength (in terms of biochemical oxygen demand and suspended solids) industrial waste waters, provision is made for adjustment of the secondary treatment level of effluent quality to account for the difficulty in treating such waste waters.

The regulations recognize that there are certain conditions which will upset a secondary treatment process resulting in a temporary increase in pollutant discharge in excess of that attainable by secondary treatment. Procedures for notice and review of upset incidents will be specified in permits issued for publicly owned treatment works pursuant to section 402 of the Act.

The level of effluent quality set forth in the regulations is based on a sampling of performance data for well designed and operated secondary treatment works.

Water quality standards and toxic effluent standards, pursuant to sections 303 and 307(a) of the Act, are applicable to publicly owned treatment works when effluent limitations based on secondary treatment would not be sufficient to attain or maintain acceptable water quality or prevent the discharge of toxic pollutants in toxic amounts.

Interested parties are encouraged to submit written comments, views, or data concerning the regulations proposed herein to the Director, Municipal Waste Water Systems Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions, received on or before June 29, 1973, will be considered prior to promulgation of final regulations.

WILLIAM D. RUCKELSHAUS,
Administrator.

APRIL 23, 1973.

PART 133—SECONDARY TREATMENT INFORMATION

Sec.
133.100 Purpose.
133.101 Authority.
133.102 Secondary treatment.
133.103 Special considerations.

§ 133.100 Purpose.

This part provides information on the degree of pollutant reduction or level of effluent quality attainable through the application of secondary treatment.

§ 133.101 Authority.

The information contained in this part is provided pursuant to sections 304(d)(1) and 301(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 (the Act).

§ 133.102 Secondary treatment.

The level of effluent reduction attainable by a publicly owned treatment works through the application of secondary treatment is a reduction at least down to the following levels of effluent quality:

	Unit of measurement	Monthly average	Weekly average
Biochemical Oxygen Demand (5 day).	mg/els	30	45
Suspended Solids	mg/els	30	45
Fecal Coliform Bacteria	Number/100 ml	200	400
pH	units.	Within limits of 6.0 to 9.0	

(a) The monthly average, other than for fecal coliform bacteria, is the arithmetic mean of the 24-hour composite samples collected in a 1-month period. The monthly average for fecal coliform bacteria is the geometric means of samples collected in a 1-month period.

(b) The weekly average, other than for fecal coliform bacteria, is the arithmetic mean of the 24-hour composite samples collected during a 1-week period. The weekly average for fecal coliform bacteria is the geometric mean of samples collected in a 1-week period.

(c) A 24-hour composite sample consists of several effluent portions collected in a 24-hour period and composited according to flow. For fecal coliform bacteria, a sample consists of one effluent portion collected during a 24-hour period.

(d) Chemical oxygen demand (COD) or total organic carbon (TOC) can be substituted for biochemical oxygen demand (BOD) where a long-term BOD: COD or BOD:TOC correlation has been demonstrated.

(e) Sampling and test procedures for pollutants shall be in accordance with guidelines promulgated by the Administrator pursuant to section 304(g) of the Act.

(f) Under circumstances where publicly owned treatment works will treat a substantial portion of an industry waste water with extremely high biochemical oxygen demand and/or suspended solids concentrations, not easily removed, the monthly average concentrations may be adjusted upwards, provided that the permitted discharge of such pollutants, attributable to the industrial user, would not be greater than that which would be permitted under section 301(b)(1)(A)(i) or 306 of the Act if such user were to discharge directly into the navigable waters.

(g) When application of the monthly average biochemical oxygen demand and/or suspended solids concentrations, as modified by paragraph (f) of this section, results in less than 85 percent removal of such pollutants, secondary treatment of such pollutants shall be a minimum of 85 percent removal.

(h) In cases when the monthly average biochemical oxygen demand and suspended solids concentrations are adjusted in accordance with paragraphs (f) and/or (g) of this section, the weekly average concentrations shall be adjusted proportionally.

§ 133.103 Special considerations.

Secondary treatment may occasionally be upset resulting in a temporary increase in the amounts of pollutants discharged in excess of effluent limitations based on secondary treatment. It is recognized that upsets may occur over which little or no control may be exercised. Such occurrences in well designed and well operated treatment works are recognized as representing the inherent imperfections of secondary treatment.

[FR Doc.73-8206 Filed 4-27-73;8:45 am]

[40 CFR Part 180]

VIABLE SPORES OF MICROORGANISM BACILLUS THURINGIENSIS BERLINER

Proposed Specification

The viable spores of the microbial insecticide *Bacillus thuringiensis* Berliner are exempted from the requirement of a tolerance in or on a variety of raw agricultural commodities on the condition that the product meets certain bacteriological and toxicological specifications as set forth in § 180.1011. When commercial products of *B. thuringiensis* first appeared in 1956, it was known at that time that certain strains of *B. thuringiensis* produced β-exotoxin, whose toxic effects were and still are not fully known. However, since U.S. manufacturers used only *B. thuringiensis* strains that did not produce β-exotoxin, this toxin posed no problem. But today's emphasis on biological control of insects has led to the search for new strains of this insect pathogen and raised the possibility of β-exotoxin appearing in *B. thuringiensis* products.

Accordingly, this Agency concludes that the aforementioned bacteriological and toxicological specifications should be amended to include a toxicity test to determine the presence of β-exotoxin to insure that *B. thuringiensis* products are free of this toxin. The Agency also leaves open the possibility that at some future date, low levels of β-exotoxin might be permitted in *B. thuringiensis* products, provided the manufacturers can prove that such levels are toxicologically and environmentally insignificant.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a(e), (m)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.1011(a) be amended by adding a new subparagraph (4), as follows:

§ 180.1011 Viable spores of the microorganism *Bacillus thuringiensis* Berliner; exemption from the requirement of a tolerance.

(a) • • •

(4) Spore preparations shall be free of the *Bacillus thuringiensis* β-exotoxin when tested with the fly larvae toxicity test ("Microbial Control of Insects and Mites," R.P.M. Bond et al., p. 280 ff., 1971). This specification can be satisfied either by determining that each master seed lot brought into production is a *Bacillus thuringiensis* strain which does not produce β-exotoxin under standard manufacturing conditions or by periodically determining that β-exotoxin synthesized during sport production is eliminated by the subsequent spore-harvesting procedur.

• • • • •

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before May 30, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before May 30, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902-A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the Office of the Hearing Clerk.

Dated April 20, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-8370 Filed 4-27-73;8:45 am]

[40 CFR Part 180]

CARBARYL

Proposed Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

Dr. C. C. Compton, coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee; the Agricultural Experiment Stations of Florida, Oklahoma, and Texas; and the Texas Pecan Growers Association submitted a petition (PP 3E1324), proposing establishment of a tolerance for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) in or on the raw agricultural commodity pecans at 0.5 p/m.

Subsequently, the petitioner amended the petition by requesting a tolerance of 1 p/m.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The proposed tolerance will protect the public health.

4. Established tolerances for almonds, filberts (hazelnuts), and walnuts should be revised to conform with § 180.1(j)(2).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR